

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PATRICK NICHOLAS**

**v.**

**MR. LORTON WARDEN OF PHILA.  
HOC**

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**CIVIL ACTION**

**NO. 16-641**

**ORDER**

AND NOW, this 1<sup>st</sup> day of March, 2017, upon consideration of plaintiff's third amended complaint (ECF No. 16) and his motion to proceed *in forma pauperis* (ECF No. 17), it is ORDERED that:

1. The third amended complaint is DISMISSED with prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.
2. The motion to proceed *in forma pauperis* is DENIED as unnecessary because plaintiff has already been granted leave to proceed *in forma pauperis* in this matter.
3. The Clerk of Court shall CLOSE this case.

**BY THE COURT:**

/s/ Lawrence F. Stengel  
**LAWRENCE F. STENGEL, J.**